

Notice Number 2023-66

Rule Number Saf-C 9400

<p>1. Agency Name & Address:</p> <p>Department of Safety, Commissioner 33 Hazen Drive Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 106-B:27, IV; RSA 260:5</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption <u>X</u></p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **State Police Tow List**

6. (a) Summary of what the rule says and of any proposed amendments:

The proposed rulemaking is being initiated in order to readopt Saf-C 9401 through Saf-C 9407 in Chapter Saf-C 9400 on the State Police tow list, which had been adopted as emergency rules effective January 31, 2023, and readopt with amendment and renumber Saf-C 216 as Saf-C 9408 on hearings to contest vehicle removal. The emergency rules are scheduled to expire on July 30, 2023.

The proposed rulemaking implements the requirements of RSA 106-B:26-32 relative to the creation of a rotating tow list for the Division of State Police (the Division) to use in the event a state trooper seeks to tow or remove a vehicle. The rulemaking sets forth the application process for wreckers, tow businesses, and emergency road service organizations who wish to be on the Division’s tow list. The proposal also readopts:

- The form to be used by the tow business for providing the Division an annual certification that the business remains in compliance with the applicable laws and rules; notification to the Division for change of ownership of the tow business or personnel within the tow business;**
- The required notification to the Division of change of rates for services;**
- The required notification to the Division of suspension or revocation of insurance, federal motor carrier safety administration registration, or good standing with the Secretary of State;**
- The disciplinary actions the Division may take against a tow business or tow operator for noncompliance with rules or law; and**
- The procedures for administrative hearings related to tows for the Division.**

This proposed rulemaking also readopts with amendment and rennumbers the existing Saf-C 216, relative to the hearing procedures for individuals to contest their vehicle removal by a police employee of the Division, as Saf-C 9408. The only substantive amendment to this part is the removal of the reference to police employee of the Division of Motor Vehicles in the definition of “authorized official” in Saf-C 9408.02.

6. (b) Brief description of the groups affected:

The groups affected by the proposed rulemaking include wreckers, tow businesses, emergency road service organizations, and tow operators; the Bureau of Hearings, Department of Safety; and the Division.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific Law the Rule Implements
Saf-C 9401.01	RSA 106-B:26
Saf-C 9402.01	RSA 541-A:7
Saf-C 9402.02	RSA 541-A:7
Saf-C 9402.03	RSA 541-A:7
Saf-C 9402.04	RSA 541-A:7
Saf-C 9402.05	RSA 541-A:7
Saf-C 9402.06	RSA 106-B:28, I
Saf-C 9402.07	RSA 106-B:28, II
Saf-C 9402.08	RSA 106-B:28, III
Saf-C 9402.09	RSA 106-B:28, IV
Saf-C 9402.10	RSA 106-B:28, V
Saf-C 9402.11	RSA 106-B:28, VI
Saf-C 9402.12	RSA 106-B:28, VII
Saf-C 9402.13	RSA 106-B:28, VIII
Saf-C 9403	RSA 106-B:27
Saf-C 9404.01	RSA 106-B:30 and RSA 541-A:19-b
Saf-C 9404.02	RSA 106-B:30, III and RSA 541-A:19-b
Saf-C 9404.03	RSA 541-A:29
Saf-C 9404.04	RSA 106-B:29, IV and RSA 106-B:30
Saf-C 9405.01	RSA 106-B:31, XII
Saf-C 9405.02	RSA 106-B:30, VI
Saf-C 9405.03	RSA 106-B:30, V
Saf-C 9405.04	RSA 106-B:30, XVIII
Saf-C 9405.05	RSA 106-B:30
Saf-C 9405.06	RSA 106-B:31, VI and RSA 106-B:32
Saf-C 9406	RSA 106-B:31, XIII; RSA 106-B:34
Saf-C 9407	RSA 106-B:34
Saf-C 9408.01 and Saf-C 9408.02	RSA 541-A:7
Saf-C 9408.03 and Saf-C 9408.04	RSA 262:33

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Marta Modigliani**

Title: **Administrator**

Address: **33 Hazen Drive Room 209
Concord, NH 03301**

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TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, April 14, 2023 at 8:15 am**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, April 6, 2023 at 1:00 pm**

Place: **Second Floor Conference Room
Department of Safety
33 Hazen Drive
Concord, NH 03305**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 23:065, dated 3/06/23

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in costs when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

None

C. To independently owned businesses:

None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

1. The proposed rules do not create a new program or responsibility, or expand or modify an existing program or responsibility, to any political subdivision.

2. The proposed rules do not mandate or assign a program or responsibility to any political subdivision of the state in such a way as to increase the costs the political subdivision must pay.

3. No state funding is necessary because the proposed rules do not mandate or assign a program or responsibility to any political subdivision to increase the costs the political subdivision must pay.